THE HONOURABLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO. 18905 OF 2007

DATED: 07-09-2007

BETWEEN:
Shaik Mabhu Subhani, S/o. Pakeer Saheb

…Petitioner

and

The State of Andhra Pradesh,
Rep. By its Principal Secretary to Revenue Department,
Secretariat, Hyderabad and three others

…Respondents

THE HONOURABLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO. 18905 OF 2007

ORDER:

This writ petition is filed by the petitioner aggrieved by the order passed by the fourth respondent-Tahsildar under which an order of eviction was passed on the premise that the land in question is an assigned land, which is an extent of Ac.0.94 cents in Sy.No.165/2 of Pathuru village, H/o.Surappagudem.

According to the petitioner, he purchased the property under a regular sale deed, a copy of which is filed before this Court dated 29-11-1993, and he has been in possession of the same since then. It is further stated that even the vendor of the petitioner in turn purchased the said property under a registered sale deed dated 29-06-1989 and it was not an assigned land and it was the property of the vendors of the petitioner's vendor, which has been in their possession for years. The grievance of the petitioner is that in pursuance of the Form-1 notice served to him on 25-05-2007, he approached the Tahsildar-4th respondent to file his objections, but the 4th respondent without receiving his objections, directed the petitioner to approach the Mandal Revenue Inspector, who also did not receive the objections of the

petitioner. Therefore, the petitioner has come up with the present writ petition claiming that the impugned order was passed without giving opportunity and without hearing, as well as without receiving and considering his objections.

The learned Government Pleader however stated that the petitioner has got an effective remedy of appeal before the Revenue Divisional Officer, which is evident from the impugned order.

In view of the above rival submissions, without going into the merits of the matter, the writ petition is disposed of directing the petitioner to file an appeal within two weeks from today and the appellate authority is directed to receive the evidence whatever is filed by the petitioner including the objections to the original show cause notice issued by the Tahsildar-4th respondent and consider the same on merits and dispose of the appeal within a period of six(6) weeks from the date of filing of the appeal. Till then, the respondents are directed not to dispossess the petitioner from his land. No order as to costs.

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S. ANANDA REDDY, J.

Dated: 07-09-2007

Note:

Issue C.C. by Monday.

B/O

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